

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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UNITED STATES OF AMERICA	:	CRIMINAL ACTION NO. 01-457-03
	:	
v.	:	
	:	CIVIL ACTION NO. 09-CV-1559
RICHARD POTTS	:	
	:	
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ORDER

AND NOW, this 27th day of January, 2010, upon consideration of Richard Potts's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document No 632, filed April 13, 2009, Document No. 649, filed June 1, 2009); Movant's Supplemental Brief in Support of His Motion Filed Pursuant to 28 U.S.C. § 2255 (Document No. 651, filed June 4, 2009); Government's Response in Opposition to Petitioner's Motion Pursuant to 28 U.S.C. § 2255 (Document No. 662, filed July 17, 2009); Petitioner Reply to Government's Response to Section 2255 Motion (Document No. 665, filed July 30, 2009); Government's Supplemental Response in Opposition to Defendant's Motion Pursuant to 28 U.S.C. § 2255 (Document No. 667, filed August 12, 2009); Response in Opposition [sic] to Governments [sic] Supplemental Response to Movant [sic] 2255 (Document No. 671, filed August 20, 2009); Movant's Supplemental Brief in Support of His Traverse Motion Filed August 17, 2009); and Motion to Supplement Movant's Exhibits 1 and 2 (Document No. 670, filed August 19, 2009), for the reasons stated in the attached Memorandum, **IT IS ORDERED** as follows:

1. Richard Potts's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255 is **DENIED**;

2. A certificate of appealability **WILL NOT ISSUE** on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2);

3. The Motion to Supplement Movant's Exhibits 1 and 2 is **GRANTED**.¹

BY THE COURT:

/s/ Jan E. Dubois

JAN E. DUBOIS, J.

¹ In ruling on Richard Potts's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, the Court considered the two news articles concerning criminal forensics laboratories presented in Potts's motion. See Brad Reagan, Reasonable Doubt: The Surprisingly Weak Science Behind Courtroom Forensics, Pop. Mechs., Aug. 2009 at 46; David Gambarcorta, Using Battery of Tests, Firearms Experts Work Tirelessly to Piece Together – and Solve – Violent Crimes, Phil. Daily News, Aug. 6, 2009 at 3.